

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

Lee Etta Renett Smith

Soc. Sec. No. xxx-xx-9486
Mailing Address: 1304 Bacon Street, , Durham, NC
27707-

Case No. 08-81323- -
Chapter 13

Debtor.

MOTION TO INCUR INDEBTEDNESS

NOW COMES the Debtor, by and through the undersigned attorney, pursuant the Confirmation Order and local rule and custom, requesting permission to incur indebtedness, and also requesting approval of an attorney fee, and in support thereof, shows unto the Court as follows:

1. Debtor has filed a petition for relief in bankruptcy under Chapter 13 of the United States Code on September 9, 2008.
2. The Debtor has been approved by **Santander Consumer USA** to incur indebtedness.
3. This motion is being made so that the Debtor may incur indebtedness to purchase a vehicle.
4. The terms of the new loan shall not exceed the following:
 - a. Amount of the new loan: \$14,007.00
 - b. Interest rate for the new loan: 16%
 - c. Monthly payment for the new loan: \$303.83
 - d. Length of the new loan: 72 months
 - e. Other Terms: none
5. The Debtor will be able to afford this new loan for the following reasons:
 - a. The Debtor has previously surrendered vehicles and are now in need of new transportation.
6. That the Debtor believe the proposed to be in the best interest of the Debtor to incur indebtedness for the following reason(s)
 - a. The Debtor needs an additional vehicle to provide transportation for her continued employment and also for the care and support of her household.
7. The proposed indebtedness will not affect the ability of the Debtor to successfully complete

the Chapter 13 plan.

8. The proposed indebtedness does not adversely affect the interests of the bankruptcy estate.
9. That \$250.00 is the reasonable value of the services provided and to be provided by the undersigned attorney for counseling the Debtor concerning the proposed new loan, gathering information necessary to draft this application, drafting and processing this motion and the proposed order, interfacing with the financier for the purpose of answering questions and concerns regarding the effect of the bankruptcy on the new indebtedness, extra follow-up to make sure that the ensuing order is obtained and transmitted to the Debtor and financier in a timely fashion to avoid delaying the consummation of the loan. It is anticipated, based on many past experiences, that it will take approximately 2 hours of attorney time to attend to said details. The \$250.00 also takes into account the **substantial risk** inherent in all loan situations that undersigned attorney will perform these services and not get paid because, for one reason or another, the loan falls through.

WHEREFORE, the Debtor respectfully prays that the Court allow the Debtor to incur said indebtedness, approve and direct payment out of the proceeds of such loan a reasonable attorney fee or in the event that the new loan falls through, allow payment of the attorney fee through the Debtor's Chapter 13 plan, and grant such other and further relief as to this Court seems just and proper.

Dated: June 24, 2010

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s Edward Boltz

Edward Boltz

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